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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,044	03/31/2004	Jose Pascual Garcia JR.	SOA-0385	4867
23353	7590	02/01/2006	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/813,044

Applicant(s)

GARCIA ET AL.

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16, 25 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7-9, 11-14, 17-24 and 26-27 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/31/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Applicant's election without traverse of species I, Figures 1-11 in the paper filed January 4, 2006 is acknowledged.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 7-9, 11, 13-14, 23-24 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi et al. (6,199,689). Disclosed is a disc cartridge storage case (Figures 1 and 7, 1A) comprising a first cover portion (6), an intermediate portion (3) and a second cover portion (7), the first and second cover portions each being pivotable relative to the intermediate portion between open and closed positions, the intermediate portion provided with a holder (2b) for a disc cartridge, the holder having a slot and the case having at least one projection (23) extending into the slot capable of engaging a corresponding hole in a cartridge for holding the cartridge in the slot.

As to claims 2 and 24, Higuchi et al. discloses numerous pins (23) extending into the slot.

As to claim 7, the holder is arranged so that the second cover portion prevents the at least one projection from moving outward from a slot when the second cover portion is in its closed position.

As to claims 8 and 26, Higuchi et al. disclose at least one projection each with a beveled end.

As to claims 9 and 13, see Figure 2.

As to claim 11, the outer flat surface of the first cover portion provides a means for displaying printed graphics and instructional material.

As to claim 14, the holder comprises a flexible support on both sides of the slot and the at least one projection extends from the flexible support and is movable away from a position of equilibrium to allow a cartridge to slip into and out of the slot.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 7-9, 11, 13-14, 17-19, 21 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi et al. in view of Lin (6,435,344). Higuchi et al. disclose a disc cartridge storage case (Figures 1 and 7, 1A) comprising a first cover portion (6), an intermediate portion (3) and a second cover portion (7), the first and second cover portions each being pivotable relative to the intermediate portion between open and closed positions, the intermediate portion provided with a holder (2b) for a disc cartridge, the holder having a slot (21) and the case having at least one projection (23) extending into the slot capable of engaging a cartridge for holding the

cartridge in the slot. Lin discloses a disk cartridge held in position in a slot by a projection (25a2) engaging a hole (31) in the disk cartridge. To modify the case and holder of Higuchi et al. employing the projection and hole teaching of Lin would have been obvious in order to better engage the cartridge in the manner suggested by Lin.

As to claims 2 and 24, Higuchi et al. discloses numerous pins (23) extending into the slot.

As to claim 7, the holder is arranged so that the second cover portion prevents the at least one projection from moving outward from a slot when the second cover portion is in its closed position.

As to claims 8, 19 and 26, Higuchi et al. disclose at least one projection each with a beveled end.

As to claims 9, 13 and 21, see Figure 2 of Higuchi et al..

As to claims 11 and 22, the outer flat surface of the first cover portion of Higuchi et al. provides a means for displaying printed graphics and instructional material.

As to claim 14, the holder of Higuchi et al. comprises a flexible support on both sides of the slot and the at least one projection extends from the flexible support and is movable away from a position of equilibrium to allow a cartridge to slip into and out of the slot.

As to claim 18, Lin discloses a blind hole.

6. Claims 1-2, 7-9, 11-14, 17-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiligers (5,971,144) in view of Lin. Heiligers discloses a

storage case (1) for an information carrier such as a disc cartridge comprising a first cover portion (3), an intermediate portion (4) and a second cover portion (5), the first and second cover portions each being pivotable relative to the intermediate portion between open and closed positions, the intermediate portion provided with a holder (13) for an information carrier such as a disc cartridge, the holder having a slot (Figure 2A) and the case having at least one projection (17) extending into the slot capable of engaging a cartridge for holding the cartridge in the slot. Lin discloses a disk cartridge held in position in a slot by a projection (25a2) engaging a hole (31) in the disk cartridge. To modify the case and holder of Heiligers employing the projection and hole teaching of Lin would have been obvious in order to better engage the cartridge in the manner suggested by Lin.

As to claims 2 and 24, Lin discloses a pin (25a2) extending into the slot.

As to claim 7, the holder of Heiligers is arranged so that the second cover portion prevents the at least one projection from moving outward from a slot when the second cover portion is in its closed position.

As to claims 8, 19 and 26, Lin discloses at least one projection each with a beveled end.

As to claims 9, 13 and 21, see Figure 2 of Heiligers.

As to claims 11 and 22, the outer flat surface of the first cover portion of Heiligers provides a means for displaying printed graphics and instructional material.

As to claim 14, the holder of Heiligers comprises a flexible support on both sides of the slot and the at least one projection extends from the flexible support and is

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movable away from a position of equilibrium to allow a cartridge to slip into and out of the slot.

As to claim 18, Lin discloses a blind hole.

7. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 17 above, and further in view of Kobayashi et al. (5,931,296). Kobayashi et al. disclose a storage case with printed graphics (71) thereon. To further modify the prior art employed against claims 1 and 17 to include graphics located on the first cover portion would have been obvious in order to provide information pertaining to the content of the case, as suggested by Kobayashi et al ..

8. Claims 3 and 10 are each objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Dependent claims 4-6 would also then be allowable.

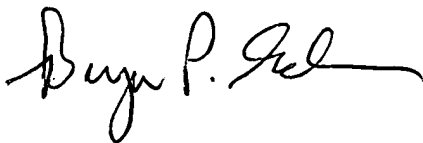
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heiligers ('811) discloses a similar structure to that claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571)

272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG